

Attorney Docket No.: KUZ-0022
Inventors: Ito et al.
Serial No.: 10/527,710
Filing Date: April 22, 2005
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REMARKS

Claims 1-10 are pending in the instant application. Claims 1-10 have been rejected. Claim 1 has been amended. Support for this amendment is found, e.g., on page 2, line 7 and Fig. 1 of the specification. No new matter is added by this amendment. Reconsideration is respectfully requested in light of the amendment and the following remarks.

I. Priority Claim

The specification has been amended to include a specific reference following the title to the prior filed applications from which the instant application claims priority. This reference was previously submitted by Applicants in the Declaration and recognized by the Office as shown by its inclusion on the first filing receipt. Accordingly, Petition under 37 C.F.R. 1.78(a) and the surcharge under 37 C.F.R. 1.17(t) are not required.

II. Objection to Specification and Title

The Abstract and specification have been objected to for recitation of the ratios with backslashes and not colons. Accordingly, in an earnest effort to advance the prosecution of this case, Applicants have amended the specification at page 6 and the Abstract to recite the ratios with colons.

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The title has also been objected to as not descriptive.

Accordingly, Applicants have amended the title to be more descriptive of the claimed invention.

Withdrawal of these objections is respectfully requested.

III. Rejection of Claims 1-10 under 35 U.S.C. 103(a)

Claims 1-3 and 7-9 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Chono et al. (U.S. Patent 6,139,866) in view of Tsuruda et al. (CA 2 424 579).

Claim 4 has been rejected under 35 U.S.C 103 as being unpatentable over Chono et al. in view of Tsuruda et al. and further in view of Urquhart et al. (U.S. Patent 4,031,894).

Claim 5 has been rejected under 35 U.S.C 103 as being unpatentable over Chono et al. in view of Tsuruda et al. and further in view of Scholz et al. (U.S. Patent 5,750,136).

Claim 6 has been rejected under 35 U.S.C 103 as being unpatentable over Chono et al. in view of Tsuruda et al. and further in view of Higo et al. (U.S. Patent 5,866,157).

Claim 10 has been rejected under 35 U.S.C 103 as being unpatentable over Chono et al. in view of Tsuruda et al. and further in view of Zaffaroni (U.S. Patent 3,598,122) and further in view of Kochinke (U.S. Patent 5,350,581).

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Applicants respectfully traverse these rejections.

Claim 1, from which claims 2 through 10 depend has been amended to recite an adhesive patch for maintaining a long-term drug efficacy comprising a backing layer and a pressure-sensitive adhesive layer formed on one side thereof, wherein the pressure-sensitive adhesive layer consists essentially of fentanyl as an active ingredient, a pressure-sensitive adhesive base, and a tackifier resin, the pressure-sensitive adhesive base comprising polyisobutylene and a styrene/isoprene/styrene block copolymer, the proportion of the polyisobutylene in the adhesive base being 8 to 15 wt. %, and a ratio of a concentration of the polyisobutylene to that of the styrene/isoprene/styrene block copolymer being from 2:3 to 3:2. Support for this amendment is found, e.g., on page 2, line 7 and Fig. 1 of the Specification.

None of the cited references alone, or in combination, discloses, suggests, or predicts all of the limitations of amended independent claim 1, either explicitly or inherently. In particular, none of the references discloses, suggests, or predicts an adhesive patch for maintaining a long-term drug efficacy comprising a backing layer and a pressure-sensitive adhesive layer formed on one

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side thereof, wherein the pressure-sensitive adhesive layer **consists essentially** of fentanyl as an active ingredient, a pressure-sensitive adhesive base, and a tackifier resin, the pressure-sensitive adhesive base comprising polyisobutylene and a styrene/isoprene/styrene block copolymer, the proportion of the polyisobutylene in the adhesive base being 8 to 15 wt. %, and a ratio of a concentration of the polyisobutylene to that of the styrene/isoprene/styrene block copolymer being from 2:3 to 3:2.

Thus, since the cited combinations of references fail to teach or suggest all the limitations of amended claim 1, they cannot render obvious the invention of claim 1. See MPEP 2143.

Further, MPEP 2143.03 states that if an independent claim is nonobvious under 35 U.S.C. 103, then any claim depending therefrom is nonobvious. Also see *In re Fine* 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988). Thus, dependent claims 2 through 10 must also be nonobvious.

Withdrawal of these rejections under 35 U.S.C. 103(a) is therefore respectfully requested.

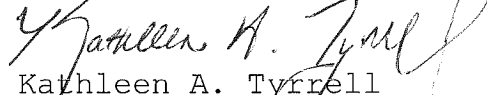
IV. Conclusion

Applicants believe that the foregoing comprises a full and complete response to the Office Action of record.

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Accordingly, favorable reconsideration and subsequent allowance of the pending claims is earnestly solicited.

Respectfully submitted,


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